

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DON ELVIS SUGAR PRESLEY,
also known as EDWARD CURTIS,

Plaintiff,

v.

9:09-CV-0832
(GLS)(DEP)

AUBURN CORRECTIONAL FACILITY,
Mental Health Doctors, Nurses,
Superintendent,

Defendants.

APPEARANCES:

DON ELVIS SUGAR PRESLEY
also known as EDWARD CURTIS
83-A-2337
Auburn Correctional Facility
P.O. Box 618
Auburn, NY 13021
Plaintiff *pro se*

GARY L. SHARPE
United States District Judge

DECISION and ORDER

Plaintiff Don Elvis Sugar Presley filed a *pro se* civil rights complaint on July 22, 2009, together with a motion for leave to proceed *in forma pauperis*. Dkt. Nos. 1, 2. The Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(b) provides that an inmate who seeks *in forma pauperis* status is required to pay, over a period of time, the full amount of the filing fee provided

for in 28 U.S.C. § 1914(a).¹ Additionally, in accordance with the Local Rules of Practice of the Northern District of New York, all such inmates are required to execute a signed, fully completed and properly certified *in forma pauperis* application **as well as the authorization form** issued by the Clerk of the Court's Office. See L.R. 5.4(b).

When he submitted his complaint and *in forma pauperis* application, Presley did not provide the Court with the authorization form issued by the Clerk's Office pursuant to the Local Rules of Practice of this District, nor did he pay the filing fee of \$350.00 for this action. Accordingly, by Order of United States Magistrate Judge David E. Peebles filed on July 23, 2009 ("July Order"), Presley was directed to submit to the Court, **within thirty days of the filing date of the July Order**, either the full filing fee of \$350.00 or a **signed** inmate authorization form consenting to the payment of \$350.00, or face possible dismissal of his action.² Dkt. No. 3.

To date - more than two months after the July Order was issued - Presley has not complied with the July Order or the terms of 28 U.S.C. § 1915(b). Presley has neither paid the full filing fee of \$350.00, nor has he

¹ As of April 9, 2006, the filing fee was increased to \$350.00. See 28 U.S.C. § 1914(a).

² Presley was also provided with a blank copy of this District's inmate authorization form.

submitted a signed inmate authorization form consenting to payment of \$350.00.

Accordingly, because Presley has failed to comply with the July Order, this action is **dismissed without prejudice**. Because this action is dismissed, Presely's motion to proceed *in forma pauperis* is **denied as moot**.

WHEREFORE, it is hereby

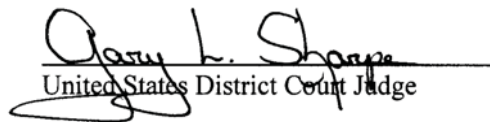
ORDERED that for the reasons set forth above, this action is **dismissed without prejudice**, and it is further

ORDERED that Presley's motion to proceed *in forma pauperis* (Dkt. No. 2) is **denied as moot**, and it is further

ORDERED that the Clerk of the Court serve a copy of this Decision and Order on Presley.

IT IS SO ORDERED.

Dated: September 25, 2009


United States District Court Judge